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27 | minimum space, equipment, and furnishings; providing
 28 | the agency shall adopt rules for a recovery care
 29 | center for standards for a dietetic department, proper
 30 | use of medications, and pharmacy; amending s.
 31 | 395.10973, F.S.; providing the agency shall enforce
 32 | the special-occupancy provisions of the Florida
 33 | Building Code which apply to recovery care centers;
 34 | amending s. 395.901, F.S.; providing the format of a
 35 | patient bill from a recovery care center; amending s.
 36 | 408.802, F.S.; authorizing the Agency for Health Care
 37 | Administration to license and regulate recovery care
 38 | centers in accordance with the Health Care Licensing
 39 | Procedures Act; amending s. 408.820, F.S., providing
 40 | that recovery care centers are exempt from the
 41 | licensure requirements of s. 408.810(7)-(10), F.S.;
 42 | providing an effective date.

43 |

44 | Be It Enacted by the Legislature of the State of Florida:

45 |

46 | Section 1. Section 395.001, Florida Statutes, is amended
 47 | to read:

48 | 395.001 Legislative intent.—It is the intent of the
 49 | Legislature to provide for the protection of public health and
 50 | safety in the establishment, construction, maintenance, and
 51 | operation of hospitals, ambulatory surgical centers, recovery
 52 | care centers, and mobile surgical facilities by providing for

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53 licensure of same and for the development, establishment, and
 54 enforcement of minimum standards with respect thereto.

55 Section 2. Subsections (3), (16), and (23) are amended to
 56 read, subsections (25), (26), (27), (28), (29), (30), (31),
 57 (32), and (33) of section 395.002, Florida Statutes, are
 58 renumbered as subsections (27), (28), (29), (30), (31), (32),
 59 (33), (34), and (35), respectively, and subsections (25) and
 60 (26) are added to that section to read:

61 395.002 Definitions.—As used in this chapter:

62 (3) "Ambulatory surgical center" or "mobile surgical
 63 facility" means a facility the primary purpose of which is to
 64 provide elective surgical care, in which the patient is admitted
 65 to and discharged from such facility within 24 hours ~~the same~~
 66 ~~working day and is not permitted to stay overnight,~~ and which is
 67 not part of a hospital. However, a facility existing for the
 68 primary purpose of performing terminations of pregnancy, an
 69 office maintained by a physician for the practice of medicine,
 70 or an office maintained for the practice of dentistry shall not
 71 be construed to be an ambulatory surgical center, provided that
 72 any facility or office which is certified or seeks certification
 73 as a Medicare ambulatory surgical center shall be licensed as an
 74 ambulatory surgical center pursuant to s. 395.003. Any structure
 75 or vehicle in which a physician maintains an office and
 76 practices surgery, and which can appear to the public to be a
 77 mobile office because the structure or vehicle operates at more
 78 than one address, shall be construed to be a mobile surgical

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79 facility.

80 (16) "Licensed facility" means a hospital, ambulatory
 81 surgical center, recovery care center, or mobile surgical
 82 facility licensed in accordance with this chapter.

83 (23) "Premises" means those buildings, beds, and equipment
 84 located at the address of the licensed facility and all other
 85 buildings, beds, and equipment for the provision of hospital,
 86 ambulatory surgical, recovery, or mobile surgical care located
 87 in such reasonable proximity to the address of the licensed
 88 facility as to appear to the public to be under the dominion and
 89 control of the licensee. For any licensee that is a teaching
 90 hospital as defined in s. 408.07(45), reasonable proximity
 91 includes any buildings, beds, services, programs, and equipment
 92 under the dominion and control of the licensee that are located
 93 at a site with a main address that is within 1 mile of the main
 94 address of the licensed facility; and all such buildings, beds,
 95 and equipment may, at the request of a licensee or applicant, be
 96 included on the facility license as a single premises.

97 (25) "Recovery care center" means a facility the primary
 98 purpose of which is to provide recovery care services.

99 (26) "Recovery care services" means postsurgical and post-
 100 diagnostic medical and general nursing care to patients for whom
 101 acute-hospitalization is not required and an uncomplicated
 102 recovery is reasonably expected. Recovery care services include
 103 postsurgical rehabilitation services. Recovery care services do
 104 not include intensive care services, coronary care services, or

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105 critical care services.

106 Section 3. Subsection (1) of section 395.003, Florida
 107 Statutes, is amended to read:

108 395.003 Licensure; denial, suspension, and revocation.—

109 (1) (a) The requirements of part II of chapter 408 apply to
 110 the provision of services that require licensure pursuant to ss.
 111 395.001-395.1065 and part II of chapter 408 and to entities
 112 licensed by or applying for such licensure from the Agency for
 113 Health Care Administration pursuant to ss. 395.001-395.1065. A
 114 license issued by the agency is required in order to operate a
 115 hospital, ambulatory surgical center, recovery care center, or
 116 mobile surgical facility in this state.

117 (b)1. It is unlawful for a person to use or advertise to
 118 the public, in any way or by any medium whatsoever, any facility
 119 as a "hospital," "ambulatory surgical center," "recovery care
 120 center," or "mobile surgical facility" unless such facility has
 121 first secured a license under the provisions of this part.

122 2. This part does not apply to veterinary hospitals or to
 123 commercial business establishments using the word "hospital,"
 124 "ambulatory surgical center," "recovery care center" or "mobile
 125 surgical facility" as a part of a trade name if no treatment of
 126 human beings is performed on the premises of such
 127 establishments.

128 (c) Until July 1, 2006, additional emergency departments
 129 located off the premises of licensed hospitals may not be
 130 authorized by the agency.

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131 Section 4. Section 395.0171, Florida Statutes, is created
 132 to read:

133 395.0171 Recovery care center admissions; emergency and
 134 transfer protocols; discharge planning and protocols.-

135 (1) Admissions to a recovery care center shall be
 136 restricted to patients who need recovery care services.

137 (2) All patients must be certified by their attending or
 138 referring physician or by a physician on staff at the facility
 139 as medically stable and not in need of acute-hospitalization
 140 prior to admission.

141 (3) A patient may be admitted for recovery care services
 142 upon discharge from a hospital or discharge from an ambulatory
 143 surgery center. A patient may also be admitted post-diagnosis
 144 and post-treatment for recovery care services.

145 (4) A recovery care center must have emergency care and
 146 transfer protocols, including transportation arrangements, and
 147 referral or admission agreements with at least one hospital.

148 (5) A recovery care center must have procedures for
 149 discharge planning and discharge protocols.

150 (6) The agency may adopt rules to implement this
 151 subsection.

152 Section 5. Subsections (2) and (8) of section 395.1055,
 153 Florida Statutes, are amended to read:

154 395.1055 Rules and enforcement.-

155 (2) Separate standards may be provided for general and
 156 specialty hospitals, ambulatory surgical centers, recovery care

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157 centers, mobile surgical facilities, and statutory rural
 158 hospitals as defined in s. 395.602.

159 (8) The agency may not adopt any rule governing the
 160 design, construction, erection, alteration, modification,
 161 repair, or demolition of any public or private hospital,
 162 intermediate residential treatment facility, recovery care
 163 center, or ambulatory surgical center. It is the intent of the
 164 Legislature to preempt that function to the Florida Building
 165 Commission and the State Fire Marshal through adoption and
 166 maintenance of the Florida Building Code and the Florida Fire
 167 Prevention Code. However, the agency shall provide technical
 168 assistance to the commission and the State Fire Marshal in
 169 updating the construction standards of the Florida Building Code
 170 and the Florida Fire Prevention Code which govern hospitals,
 171 intermediate residential treatment facilities, recovery care
 172 centers, and ambulatory surgical centers.

173 (10) The agency shall adopt rules for recovery care centers
 174 which include fair and reasonable minimum standards for ensuring
 175 that recovery care centers have:

176 (a) A dietetic department, service or other similarly
 177 titled unit, either on the premises or by contract, which shall
 178 be organized, directed and staffed, to assure the provision of
 179 appropriate nutritional care and quality food service.

180 (b) Procedures to assure the proper use of medications.
 181 Such procedures shall address prescription and ordering,
 182 preparation and dispensing, administration, and patient

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183 monitoring for medication effects.

184 (c) A pharmacy, pharmaceutical department or service, or
 185 similarly titled unit on the premises or by contract.

186 Section 6. Subsection (8) of section 395.10973, Florida
 187 Statutes, is amended to read:

188 395.10973 Powers and duties of the agency.—It is the
 189 function of the agency to:

190 (8) Enforce the special-occupancy provisions of the
 191 Florida Building Code which apply to hospitals, intermediate
 192 residential treatment facilities, recovery care centers, and
 193 ambulatory surgical centers in conducting any inspection
 194 authorized by this chapter and part II of chapter 408.

195 Section 7. Subsection (3) of section 395.301, Florida
 196 Statutes, is amended to read:

197 395.301 Itemized patient bill; form and content prescribed
 198 by the agency.—

199 (3) On each itemized statement submitted pursuant to
 200 subsection (1) there shall appear the words "A FOR-PROFIT (or
 201 NOT-FOR-PROFIT or PUBLIC) HOSPITAL (or AMBULATORY SURGICAL
 202 CENTER or RECOVERY CARE CENTER) LICENSED BY THE STATE OF
 203 FLORIDA" or substantially similar words sufficient to identify
 204 clearly and plainly the ownership status of the licensed
 205 facility. Each itemized statement must prominently display the
 206 phone number of the medical facility's patient liaison who is
 207 responsible for expediting the resolution of any billing dispute
 208 between the patient, or his or her representative, and the

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209 | billing department.

210 | Section 8. Subsection (30) is added to section 408.802,
211 | Florida Statutes, to read:

212 | 408.802 Applicability.—The provisions of this part apply
213 | to the provision of services that require licensure as defined
214 | in this part and to the following entities licensed, registered,
215 | or certified by the agency, as described in chapters 112, 383,
216 | 390, 394, 395, 400, 429, 440, 483, and 765:

217 | (30) Recovery care centers, as provided under part I of
218 | chapter 395.

219 | Section 9. Subsection (29) is added to section 408.820,
220 | Florida Statutes, to read:

221 | 408.820 Exemptions.—Except as prescribed in authorizing
222 | statutes, the following exemptions shall apply to specified
223 | requirements of this part:

224 | (29) Recovery care centers, as provided under part I of
225 | chapter 395, are exempt from s. 408.810(7)-(10).

226 | Section 10. This act shall take effect July 1, 2014.